

REMARKS

Claims 1-21 were previously pending in this patent application. Claims 1-21 are subject to restriction and election requirement. Herein, Claims 20-21 have been withdrawn. Accordingly, after this Amendment and Response To Restriction and Election, Claims 1-19 remain pending in this patent application. Further examination and reconsideration in view of the arguments set forth below is respectfully requested.

In the Office Action mailed 06/01/2004, it was stated that the present patent application contains two distinct inventions related as process of making and product made. As such, it has been required that an election of a single invention for prosecution on the merits be made pursuant to 35 U.S.C. Section 121. Specifically, it has been required that an election be made between a first invention, Group I, recited in Claims 1-19, drawn to method for fabricating a semiconductor device, and a second invention, Group II, recited in Claims 20-21, drawn to semiconductor device.

INVENTION ELECTION WITHOUT TRAVERSE

Group I, recited in Claims 1-19, is hereby elected without traverse. Moreover, Claims 20-21 are hereby withdrawn. Further examination and reconsideration of the elected invention is respectfully requested.

CONCLUSION

It is respectfully submitted that all of the claims are now in a condition for allowance. The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present patent application.

Please charge any additional fees or apply any credits to our PTO deposit account number: 23-0085.

Respectfully submitted,

WAGNER, MURABITO & HAO, LLP

Dated: 6/25/2004

Jose S. Garcia

Jose S. Garcia
Registration No. 43,628

Two North Market Street, Third Floor
San Jose, CA 95113
(408) 938-9060